

**DEPARTMENT OF THE ARMY**

1<sup>st</sup> Armored Division

Assistant Division Commander

Unit 23746

APO AE 09034

IMEU-BMH-LA

27 July 2005

**MEMORANDUM FOR SEE DISTRIBUTION**

**SUBJECT:** Senior Mission Commander (SMC) Policy Letter 1-4, DWI/DUI Memorandum of Reprimand

1. References. Army in Europe Regulation 190-1; AR 190-5; AR 600-37
2. Purpose. To identify procedures for the issuance of mandatory General Officer Reprimands for drunk driving.
3. Applicability. Applies to all officers, warrant officers and enlisted Soldiers, assigned or attached to units within the Baumholder Military Community and subject to the special court-martial jurisdiction of the Commander, 2d Brigade or the Commander, Division Artillery, 1st Armored Division.
4. Punitive Nature. Violators of this policy may be punished under the UCMJ and/or appropriate administrative regulations.
5. Policy. A General Officer Memorandum of Reprimand (GOMOR) will be issued to any Soldier who has:
  - a. Been convicted (to include non-judicial punishment) of drunk driving; or
  - b. Refused to take or failed to complete a lawfully requested test to measure the blood alcohol content in either military or civilian controlled areas when there is substantial evidence of drunk driving; or
  - c. Driven or been in physical control of a motor vehicle in military or civilian controlled areas when blood alcohol content is .05 mg/ml (.05 gms/100ml) or above, or when a chemical test reveals the presence of illegal drugs in the Soldier's body.
6. Procedures.
  - a. Signatory Responsibilities.
    - (1) The Commanding General, 1st Armored Division, signs GOMORs issued to commissioned and warrant officers, and to enlisted Soldiers in the grades of E-8 and E-9, over whom he exercises general court-martial jurisdiction.

IMEU-BMH-LA

SUBJECT: SMC Policy Letter 1-4, DWI/DUI Memorandum for Reprimand

(2) The Senior Mission Commander (Assistant Division Commander, 1st Armored Division), signs GOMORs issued to enlisted Soldiers in the grades of E-1 through E-7 over whom the Commanders of 2d Brigade and DIVARTY exercise special court-martial jurisdiction.

b. Responsibilities.

(1) Department of Emergency Services (DES). The DES will:

(a) Furnish the Baumholder Legal Services Center with a copy of the daily Military Police Desk blotter and with copies of military police reports, chemical results, witness statements and other pertinent information about DWI/DUI cases.

(b) Furnish the immediate commander with copies of military police reports, chemical results, witness statements and other pertinent information.

(2) Baumholder Legal Services Center (BLSC). The BLSC will:

(a) Monitor all drunk driving incidents and prepare memoranda of reprimand for the general officer's signature. Prepare complete case files and track each case's progress.

(b) Forward to the Brigade commander concerned the complete case file containing the memorandum of reprimand, a memorandum for the Soldier's signature to acknowledge receipt of the reprimand, the chain of command's filing recommendations, and supporting documentation.

(c) Upon receipt of the case file from the Brigade commander, including the Soldier's statement (s), if any, and the chain of command's filing recommendations, the BLSC will prepare the general officer's final filing directive, then deliver the case to the Senior Mission Commander for final signature.

(d) Upon receipt of the Senior Mission Commander's final filing directive, original case documents will be forwarded to Commander, USAREC, ATTN: PCRE-FS, Ft. Benjamin Harrison, IN 46249, for filing in the Soldier's Official Military Personnel File (OMPF), in those cases where the Senior Mission Commander has directed OMPF filing. The original case documents will be hand-delivered to Commander, 90th Personnel Services Battalion, for filing in the Soldier's Military Personnel Records Jacket (MPRJ), in those cases where the Senior Mission Commander has directed local filing. A courtesy copy of the general's final filing decision will be mailed to the unit commander and to the Soldier.

IMEU-BMH-LA

SUBJECT: SMC Policy Letter 1-4, DWI/DUI Memorandum for Reprimand

(3) Unit, Battalion, and Brigade Commanders will:

(a) Present general officer reprimands to Soldiers under their command or UCMJ jurisdiction. Ensure the Soldiers acknowledge receipt of the reprimand on the memorandum accompanying the reprimand.

(b) Explain rebuttal rights to the Soldier. The Soldier has seven calendar days to submit statement(s) and/or matters in extenuation and mitigation to the commander who presented the GOMOR.

(c) Complete the filing recommendation memorandum, recommending whether the reprimand should be filed in the Soldier's local Military Personnel Records Jacket (MPRJ) or the Official Military Personnel File (OPMF) and the reasons for the recommended action. Forward the original memorandum, the Soldier's rebuttal, if any, and the completed filing recommendation memorandums from the chain of command to the BLSC. Commanders should use bullet comments to briefly state the reasons supporting his or her recommendation. More detailed filing recommendations may be provided if desired by commanders.

(d) All filing recommendation memorandums must reach the BLSC within twenty (20) calendar days after the Soldier acknowledges receipt of the reprimand (this period includes the Soldier's seven calendar days for rebuttal).

(e) The Brigade commander concerned will monitor action on the general officer letter to ensure timely processing of the letter and chain of command filing recommendations within his command.

7. Proponent for this policy is OIC, SJA, at DSN 485-7456.



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Baumholder Senior Mission Commander

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